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Attorneys for Defendants

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro No. 10-10-04469 (CGM)

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC,

Plaintiff,

v.

CAROL L. KAMENSTEIN, individually and in her
capacity as joint tenant, DAVID R. KAMENSTEIN,
individually and in his capacity as joint tenant,
SLOAN G. KAMENSTEIN, and TRACY D.
KAMENSTEIN,

Defendants.

**DECLARATION OF HELEN DAVIS CHAITMAN IN SUPPORT OF TRACY
KAMENSTEIN'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND
DEFENDANTS' MOTION TO DISMISS THE COMPLAINT FOR
LACK OF SUBJECT MATTER JURISDICTION**

I, Helen Davis Chaitman, hereby declare, under penalty of perjury pursuant to 28 U.S.C. §1746, as follows:

1. I am a member of Chaitman LLP, counsel to Defendants Carol L. Kamenstein, ("Carol"), David R. Kamenstein, ("David"), Sloan G. Kamenstein ("Sloan"), and Tracy D. Kamenstein ("Tracy") (collectively "Defendants"). I am a member of the bars of New York and New Jersey, and I am admitted to practice in this Court.

2. I submit this declaration in support of Defendants' motion for summary judgment dismissing the Complaint for lack of subject matter jurisdiction and of Defendant Tracy Kamenstein's motion for partial summary judgment dismissing the Complaint against her.

3. Attached hereto as **Exhibit A** is a true and accurate copy of the Complaint in *Picard v. Carol L. Kamenstein, et al*, Adv. Pro. No. 10-04469 dated November 12, 2010.

4. Attached hereto as **Exhibit B** is a true and accurate copy of the Answer in *Picard v. Carol L. Kamenstein, et al*, Adv. Pro. No. 10-04469 dated August 13, 2015.

5. Attached hereto as **Exhibit C** is a true and accurate copy of the Memorandum Decision, entered at ECF No. 10089 in *Picard v. Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-01789 dated June 2, 2015.

6. Attached hereto as **Exhibit D** is a true and accurate copy of the Order, entered at ECF No. 10679 in *Picard v. Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-01789 dated July 16, 2015.

7. Attached hereto as **Exhibit E** is a true and accurate copy of the Order, entered at ECF No. 10681 in *Picard v. Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-01789 dated July 16, 2015.

8. Attached hereto as **Exhibit F** is a true and accurate copy of relevant pages from a Trial Transcript in *Picard v. Carol & Stanley Nelson*, (“*Nelson*”), Adv. Pro. Nos. 10-04377 and 10-04658 dated May 8, 2019.

9. Attached hereto as **Exhibit G** is a true and accurate copy of February 7 and 9, 1979 documents confirming a credit to Gunther and Margaret Unflat from “Bernard L. Madoff Investment Securities.” [Bates No. 10-5420_Defendant_0002412-13].

10. Attached hereto as **Exhibit H** is a true and accurate copy of a JPMorgan Chase Bank, N.A. (“JPMC”) statement dated November 29-December 31, 2008, for an account ending in 703 (“703 Account”). [Bates No. JPMSAB0004065-4090].

11. Attached hereto as **Exhibit I** is a true and accurate copy of Amendment to SEC Form BD dated January 12, 2001.

12. Attached hereto as **Exhibit J** is a compilation of letters to the Bank of New York, the National Securities Clearing Corporation, the Options Clearing Corporation and the Depository Trust Company. [Bates Nos. MESTABL00005744; MADTEE00544438; MADTEE00544725; MESTABL00005745].

13. Attached hereto as **Exhibit K** is a true and accurate copy of an email dated June 12, 2018 from Maximillian Shifrin, at Baker Hostetler, LLP to me.

14. Attached hereto as **Exhibit L** is a true and accurate copy of a compilation of JPMC Statement excerpts on behalf of Carol Kamenstein for the 703 Account.

15. Attached hereto as **Exhibit M** is a true and accurate copy of a compilation of JPMC Statement excerpts on behalf of David Kamenstein for the 703 Account.

16. Attached hereto as **Exhibit N** is a true and accurate copy of a compilation of JPMC Statement excerpts on behalf of Sloan Kamenstein for the 703 Account.

17. Attached hereto as **Exhibit O** is a true and accurate copy of a compilation of JPMC Statement excerpts on behalf of Tracy Kamenstein for the 703 Account.

18. Attached hereto as **Exhibit P** is a true and accurate copy of a JPMC statement dated December 2001 for the 703 Account. [Bates No. JPMSAB00000001-48].

19. Attached hereto as **Exhibit Q** is a true and accurate copy of a compilation of JPMC Statements for an account ending in 509 (the “509 Account”).

20. Attached hereto as **Exhibit R** is a true and accurate copy of a compilation of JPMC Statements for the 703 Account.

21. Attached hereto as **Exhibit S** is a true and accurate copy of a statement from JPMC dated August 1-August 30, 2002 for the 703 Account. [Bates No. JPMSAB0000100-151].

22. Attached hereto as **Exhibit T** is a true and accurate copy of a statement from JPMC dated August 31- September 30, 2002 for the 703 Account. [Bates No. JPMSAB0000624-672].

23. Attached hereto as **Exhibit U** is a true and accurate copy of a compilation of checks dated September 26, 2005, June 11, 2007 and June 14, 2007 . [Bates No. JPMSAI0011455-56; JPMSAI0011482; and JPMSAI0007847].

24. Attached hereto as **Exhibit V** is a true and accurate copy of a check dated July 16, 2008. [Bates No. JPMSA10013257].

25. Attached hereto as **Exhibit W** is a true and accurate copy of a compilation of deposit tickets. [Bates No. JPMSAI0007846; JPMSAI0009767; JPMSAI0011481; JPMSAI0011453].

26. Attached hereto as **Exhibit X** is a true and accurate copy of a JPMC statement dated December 1998 for the 509 Account. [Bates No. MADWAA00378495-98].

27. Attached hereto as **Exhibit Y** is a true and accurate copy of relevant pages from a Trial Transcript in *Picard v. Carol & Stanley Nelson*, Adv. Pro. Nos. 10-04377 and 10-04658 dated May 9, 2019.

28. Attached hereto as **Exhibit Z** is a true and accurate copy of a compilation of checks from JPMC for the period December 11, 2006 through December 11, 2006 from the 509 Account.

29. Attached hereto as **Exhibit AA** is a true and accurate copy of a compilation of checks from JPMC for the period December 11, 2006 through December 11, 2006 from the 509 Account.

30. Attached hereto as **Exhibit AB** is a true and accurate copy of a compilation of checks from JPMC for the period December 11, 2006 through December 11, 2006 from the 509 Account.

31. Attached hereto as **Exhibit AC** is a true and accurate copy of a compilation of checks from JPMC for the period December 11, 2006 through December 11, 2006 from the 509 Account.

32. Attached hereto as **Exhibit AD** is a true and accurate copy of the July 17, 1991 letterhead of Bernard L. Madoff Investment Securities. [Bates No. MADTSS01301365-01301371].

33. Attached hereto as **Exhibit AE** is a true and accurate copy of a Trust Agreement dated April 11, 1984 for the 1984 Tracy Dara Kamenstein Irrevocable Trust (the “Tracy Trust”). [Bates No. AMF00267661-696].

34. Attached hereto as **Exhibit AF** is a true and accurate copy of a Trust Agreement dated April 11, 1984 for the 1984 Sloan George Kamenstein Irrevocable Trust (the “Sloan Trust”). [Bates No. AMF00267776-811].

35. Attached hereto as **Exhibit AG** is a true and accurate copy of Account Opening Documents dated August 23, 1999 for Account No. 1CM596 (the “Tracy Trust Account”). [Bates No. AMF00267652-96].

36. Attached hereto as **Exhibit AH** is a true and accurate copy of Account Opening Documents dated August 23, 1999 for Account No. 1CM597 (the “Sloan Trust Account”) [Bates No. AMF00267767-811].

37. Attached hereto as **Exhibit AI** is a true and accurate copy of a letter dated December 23, 2004 from David R. and Carol L. Kamenstein to Jodi Crupi. [Bates No. AMF00250545].

38. Attached hereto as **Exhibit AJ** is a true and accurate copy of Account Opening Documents dated January 3, 2005 for Account No. 1CM913 (the “David Account”) . [Bates No. AMF00278590-95].

39. Attached hereto as **Exhibit AK** is a true and accurate copy of a Customer Account Statement dated December 31, 2004. [Bates No. MDPTPP01931711-13].

40. Attached hereto as **Exhibit AL** is a true and accurate copy of a Customer Account Statement dated January 31, 2005. [Bates No. MDPTPP01931714-19].

41. Attached hereto as **Exhibit AM** is a true and accurate copy of a letter dated June 11, 2007 from David R. Kamenstein to Jodi Crupi. [Bates No. 10-04469_KAMENSTEIN_0000108].

42. Attached hereto as **Exhibit AN** is a true and accurate copy of a statement from JPMC dated November 1- November 30, 2007 for the 703 Account. [Bates No. JPMSAB0003831-69].

43. Attached hereto as **Exhibit AO** is a true and accurate copy of Account Opening Documents dated January 3, 2005 for Account No. 1CM914 (the “Carol Account”) [Bates No. AMF00278644-48].

44. Attached hereto as **Exhibit AP** is a true and accurate copy of a Customer Account Statement dated December 31, 2004. [Bates No. MDPTPP01931998-200].

45. Attached hereto as **Exhibit AQ** is a true and accurate copy of a Customer Account Statement dated January 31, 2005. [Bates No. MDPTPP01932001-06].

46. Attached hereto as **Exhibit AR** is a true and accurate copy of a letter dated August 18, 1999 from David and Carol Kamenstein to Linda Schoenheimer. [Bates No. MADTBB01977201].

47. Attached hereto as **Exhibit AS** is a true and accurate copy of a Customer Account Statement dated September 1999. [Bates No. MDPTPP01693674-75].

48. Attached hereto as **Exhibit AT** is a true and accurate copy of a Customer Account Statement dated October 1999. [Bates No. MDPTPP01693676-78].

49. Attached hereto as **Exhibit AU** is a true and accurate copy of a statement from JPMC dated June 1- June 29, 2007 for the 703 Account. [Bates No. JPMSAB0003639-704].

50. Attached hereto as **Exhibit AV** is a true and accurate copy of a Customer Account Statement dated September 1999. [Bates No. MDPTPP01692902-03].

51. Attached hereto as **Exhibit AW** is a true and accurate copy of a Customer Account Statement dated October 1999. [Bates No. MDPTPP01692904-06].

52. Attached hereto as **Exhibit AX** is a true and accurate copy of a statement from JPMC dated June 1- June 30, 2006 for the 703 Account. [Bates No. JPMSAB0002995-704].

53. Attached hereto as **Exhibit AY** is a true and accurate copy of a Customer Account Statement dated June 2006. [Bates No. MDPTPP01693384-03].

54. Attached hereto as **Exhibit AZ** is a true and accurate copy of a compilation of correspondence from David R. Kamenstein for the period December 11, 2006 through December 11, 2008.

55. Attached hereto as **Exhibit BA** is a true and accurate copy of a letter dated November 13, 2001 from David R. Kamenstein to Jodi Crupi. [Bates No. AMF00250573].

56. Attached hereto as **Exhibit BB** is a true and accurate copy of a report prepared by Lisa Collura, CPA, CFE, CFF in *Picard v. Carol L. Kamenstein, et al*, Adv. Pro. No. 10-04469 dated June 14, 2019.

Dated: November 25, 2020
New York, New York

CHAITMAN LLP

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